

REMARKS

Claims 2-3, 5, 7, 9, 11-12 and 14-17 are pending in this application after this amendment. Claims 2, 11, 14, 15 and 17 are independent. Claim 6 has been canceled without prejudice or disclaimer to the subject matter included therein. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended claims 2, 11, 14 and 15 to include the elements of claim 6. These amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 2, 3, 5, 6, 9, 11, 12, 14, 15 and 17 under 35 U.S.C. §102(e) as being anticipated by Maeshima (U.S. Patent Application Publication No. 202/0032025); rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Maeshima in view of Vitebsky (U.S. Patent Application No. 2004/0203822); and rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Maeshima in view of Kainulainen (USP 5,878,095) and further in view of Furukawa (U.S. Patent Application Publication No. 2004/0010605). Applicants respectfully traverse these rejections.

Claim Rejections – 35 U.S.C. §102

By this amendment, Applicant has amended claim 2 to recite, inter alia, a network terminal comprising synchronization information frame transmission start time generating means for determining sets of synchronization information frame transmission start time information corresponding to said plurality of network terminals of the network system, and transmitting the sets of synchronization information frame transmission start time information to said plurality of network terminals, when said network terminal acts as a master terminal, **wherein, the synchronization information frame transmission start time information generating means determines the sets of synchronization information frame transmission start time**

information, on ground of priorities of sets of data transmitted from said plurality of network terminals.

In contrast, the disclosure of Maeshima is directed to a communication apparatus and method that provides, in a slave device, means for performing communication as a control station when a stand-by time elapses.

In paragraph [0045], Maeshima discloses the control information transmission region is provided with a section in which **descending control information that a master station transmits** control information to the respective communication terminals is transmitted and a section in which **all communication terminals on the network transmit ascending control information.**

Further, in paragraph [0078], Maeshima discloses as follows:

[0078] When the descending control information cannot be received at step S31, **the ascending control information is received** at step S35, and connection condition of the network is grasped at step S36. Then, at step S37, it is determined whether or not an inconvenience occurs in the master control station. With respect to the determination as to whether or not an inconvenience occurs in the master control station herein, for example, **when the descending management information periodically transmitted from the master control station cannot be received, it is determined that an inconvenience is occurring in the master control station.** However, since it can also be supposed that the descending management information cannot be received from about one time to several times for some reason even when the master control station operates correctly, it is preferred that it is determined that an inconvenience is occurring in the master control station when the descending management information cannot be received for some time continuously. Further, when the master control station cannot be recognized in all other peripheral terminal stations from the connection condition of the network grasped at step S36 (that is, the signal from the master control station cannot be received), it may be determined that an inconvenience is occurring in the master control station.

As can be seen from the above disclosure, when the descending control information, which is transmitted from the master control station, is not received at the slave device, ascending control information, which is transmitted from another slave device is received at the slave device.

However, claim 2 clearly recites synchronization information frame transmitting means wherein the synchronization information frame transmission start time information generating means determines the sets of synchronization information frame transmission start time information, **on ground of priorities of sets of data transmitted** from said plurality of network terminals. Maeshima discloses that the descending control information was not received by the master control terminal, the slave device receives the ascending control information from another slave device in the network. There is no disclosure that is directed to the synchronization information frame transmission start time information generating means determines the sets of synchronization information frame transmission start time information, on ground of priorities of sets of data transmitted from said plurality of network terminals. As such, Applicant respectfully submits that Maeshima fails to disclose the synchronization information frame transmission start time information generating means determines the sets of synchronization information frame transmission start time information, **on ground of priorities of sets of data transmitted** from said plurality of network terminals. Thus, claim 2 is not anticipated by Maeshima. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3, 5, 7, 9 and 16 are allowable for the reasons set forth above with regard to claim 2 at least based on their dependency on claim 2. It is further respectfully submitted that 11, 14, 15 and 17 similarly recite this claim element. Thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 2.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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